



**PRESS CONFERENCE
THE EMPLOYMENT NON-DISCRIMINATION ACT
CONGRESSMAN BARNEY FRANK**

Q&A

June 24, 2009

In the question and answer period following introductory remarks by Members of Congress, Congressman Frank fielded a range of questions about ENDA, about the LGBT legislative agenda, and about how supporters of this legislation can be most effective.

FRANK: We are now open for questions. I will just give you a progress report and say several of us will be leaving here at 2 o' clock to go to a meeting with the Speaker on LGBT issues. And of course the Speaker has been completely supportive.

Tammy's right, I know there are some people who thought the President had misplaced his magic wand and couldn't do more than now a wall mounting on the question of employee benefits. But the fact that he did that highlighted for people precisely how much we need legal change like the bill that Tammy has filed. And that led to conversations with the Speaker and Tammy's been following up with Steve Lynch who is the Chair of the subcommittee with jurisdiction, and Joe Lieberman who is at the White House and he's chair of the Senate committee.

So what the President did at the time we filed the bill was the President did was to give some oomph for that, and yes, it is I believe going to be added to the bill and will pass by the end of the year, in this Congress. Now we will be ready to take any questions or comments. Let's start with any media people first.

REPORTER: Compared to last time, are we seeing any drop or increase in the number of Republican supporters and cosponsors this time?

FRANK: I think first of all, cosponsors is not the issue, votes is the issue. I have spoken to one Republican who won't cosponsor it but will vote with us. We have five cosponsors.

I would say this. The proportion of people are the same. There are fewer Republicans, for which I am grateful. There are fewer Republican cosponsors, for which I am not, but it comes as a package. There was one Republican supporter, Chris Shays, who was defeated but by a Democratic supporter. I think there will be not nearly as much Republican support as we would like.

We are chained to the recommit we had it, was it nine, Tammy or so? That recommit which would have killed this on a phony marriage issue. We only had about nine Republicans. I think we will have as I said proportionately the same number of Republicans and maybe more.

REPORTER: Barney, can you tell us? Can you clarify? You said there was a hearing....

FRANK: A hearing on the bill. Yeah. Well, a hearing first and then a mark-up. The Chairman of the Subcommittee has been a great friend, will have a hearing in July and then I think a mark-up in September. We have a busy July. But, you get a hearing first. A hearing on the bill, it's not a general feel-good hearing. There will be a hearing on particular legislation, testimony, and there are some specific parts that should be looked at and we will get a mark-up I believe in committee in September. The bill will be on the floor this year.

REPORTER: Have you talked to anybody in the Senate about a companion bill ...

FRANK: Not yet, we've been working on the Senate on ENDA and we have to talk to Senator Lieberman on hate crimes and on the bill and employees. But now that we've got this done that will be the next thing we do that we talk to the Senate about.

QUESTION: Are there circumstances under which the transgender-inclusive portion of the bill will be removed?

FRANK: No, I don't think that's an issue here. I think the fact that we got votes on the rest of it was helpful. I think we are beyond that. We weren't ready. We didn't have the votes last time. I believe we now do. Look, sometimes in politics you don't where you are until you try. We tried, we had to identify what the issue was. And there have been certain things, the hearings the lobbying that's been done by the transgendered groups and others, the fact that we elected more Democrats. So I think this is not going to be an issue.

QUESTION: All of my good ENDA questions have been taken so I'll switch to Don't Ask Don't Tell real quick. I know you've said in the past that you think that will be done next year. There does seem to be a movement. You were one of 77 members to sign the letter –

FRANK: To sign the Alcee Hastings letter, yes.

REPORTER: Exactly. And I was on a phone call this morning with Dr. Larry Korb from the Center for American Progress and his main point was the longer you wait on repealing Don't Ask, Don't Tell, or doing anything about that, the less momentum you have.

FRANK: That's just not true. Larry is a wonderful man, he knows a lot about defense, but Congress is not his issue. I don't know what he means by momentum. In the first place...be careful with metaphors. I don't know what "momentum" means, Congress is not a body at rest or not at rest.

There are only so many things you can do at once. I think we have to start lobbying. I will say this on Don't Ask, Don't Tell: I think we have the votes. We have almost 70 other votes in the House now, so we just have to prepare for it. People need to lobby the Senate. I cannot tell you that I am confident that we have 60 votes in the Senate right now. So – I don't know what he means by what momentum he thinks we have.

REPORTER: Majority Leader Reid said "well I would take this up with the Senate if the House would have done it." Do you see in any scenario that might happen before next year, that the House might move on it?

FRANK: No. You guys – I think for the, for the interim, we are going to do ENDA, we are also going to do – and I hope people will not be offended if we squeeze in healthcare and financial regulation.

Now, the letter that all of us signed earlier this year to Alcee Hastings said to the President that, look - I voted against Don't Ask, Don't Tell, I didn't like it. But they made it even worse because they didn't even abide by it as it was. And we wrote to the President and said you got to stop asking, and in particular, stop listening to third parties who tell. That's a violation. If somebody writes in that I saw so-and-so kissing a woman in the drug store, they're supposed to disregard that. And we said that unless someone is alleging a violation of the Uniform Code of Military Justice they should be disregarding those because that is a violation of policy.

So I am hoping that it is legitimate to ask the President to tell the Defense Department to follow that. Many of the people who were thrown out would have been thrown out, and some of them wouldn't.

I do want to say to all of the media, and let me rephrase what you said. Well we haven't got any tough questions to ask you about ENDA, so we have to raise Don't Ask, Don't Tell so we have something to be dissatisfied about.

REPORTER: Can you explain a little bit about the thinking behind the exception of the armed services, and the veterans groups...

FRANK: Yes. At this point that's a separate issue and the bill wouldn't pass if that exception wasn't – that is, Don't Ask, Don't Tell is a difficult issue on its own, and I

don't think we can do it all in one bill. So we're doing it in two bills so we can get the votes.

Again, 60 votes in the Senate is an obstacle, and I think getting there on both of these – putting them all on one bill is just, I don't think, makes it harder. Part of the problem is as you multiply the issues in my experience, you give members more of an excuse to vote no. People are more so, I think, independent, in two steps.

REPORTER: Well, wouldn't you still have to agree to that hurdle the next time around anyway?

FRANK: Yes. Right. But it's easier to do it one at a time.

REPORTER: Is anyone considering a bill, this proposal by some in the LGBT community to have an omnibus bill? There have been some reports that....

FRANK: I don't know of any...first of all. I would say this. Until we can get this done, people who think we can do a lot more are welcome to think about, but I wish they'd help us get done what we can do. It has not been my experience that, and I deal with the housing issues a lot, we have not heard about a lot of housing discrimination issues. Employment has seemed to us to be the most. I do think it is wise to do it that. Once we do that, if there's a need, we can go beyond that. But I have not heard of anybody who thinks it's a realistic option.

BALDWIN: Can I pipe in on this one? I want to go back to what I said in my opening remarks. I think both the substance and the symbolism of passing ENDA into law creates a new day. It is going to represent the first time the Congress of the United States has said discrimination exists against gay and lesbian, bisexual and transgendered people, it is wrong, it is illegal in the employment setting.

Once you've said that you don't really have an excuse to say well a little discrimination is ok in this arena or that arena. I think it creates the moment and the opportunity for us to take further steps after that. And then you have also this majority in each house who've obviously cast their vote for ENDA, who are less likely to make it difficult for us when we say now we need to take the next step.

I do want to say that I think it's useful for the community to have the discussion about all the ways we are discriminated against or in which there is inequality or injustice. That has to be our aspiration, to rid ourselves of all types of discrimination. We need to organize around all these issues. I think in the Congress, I won't disavow the momentum as much as Barney does, if we can get hate crimes, and ENDA, and domestic partnerships, then we will have the moment that we need to come back and tackle the remaining issues.

FRANK: And Tammy, I heard you say that we're organizing or picking out issues one at a time in Congress. But people want to yell at the President, and yell at me, and yell at

Nancy, and it's their First Amendment right, but I wish that people would write to their own Representative or Senator first. I worry that people will think now that we've introduced ENDA, I can worry about the next issue. Please don't worry about the next issue without at the same time helping us get the votes to do this particular work. Because that's the position from which we need to move on.

The notion that we need to do it all in one bill, and not a series of bills, is totally antithetical to the history of African-Americans. As Jared mentioned, there was a fairly mild bill passed in 1957 that didn't do a great deal, but from there Thurgood Marshall was able to push farther in 1960, despite critics on the left. Then in 1964 there was the overall civil rights bill that did have public accommodations and employment, but it didn't have housing. Housing came in 1968. It took, frankly, the murders of Martin King and Robert Kennedy, before housing was passed. And so you have the civil rights bill of 1957, the bill of 1960, voting rights in 1965, and the housing bill in 1968. So the slogan that we should get it all at one time doesn't work.

QUESTION: Barney, if I may ask, considering how these issues are intertwined, on the issue of Don't Ask Don't Tell, perhaps if President Obama should sign an executive order demanding a stop to any discharges.

FRANK: Yes, I think that he could sign an order to instruct them to interpret the LC Hastings letter strictly. If someone announces it, then that's one thing, that's "telling." But beyond that, the argument that he should simply announce that he's not going to follow the law, is a great mistake. Did we not spend eight years yelling at George Bush for picking and choosing which laws he would enforce? I don't want to be in that position.

Yes, I think it's legitimate to press the President and enforce that law much more strictly. Because people are kicked out, because of one breach like someone being seen kissing her girlfriend and someone else write to the military. The proper response is, rip that letter up, because that person seen did not volunteer any information. That's how it should be. But announcing that the President should ignore the law by signing a stop-law order is simply not reasonable for those of us who spent all that time attacking George Bush for not following the law.

REPORTER: Do you think what Sen. Reid said recently about asking the administration to send a bill to the Senate, is that the right thing to do?

FRANK: Well, let me say that I think we are going to introduce Don't Ask Don't Tell soon and I think it's going to pass next year. It will not in the end make a difference who said what to whom.

QUESTION: Can you just discuss the meeting at 2 o'clock, what will be discussed?

FRANK: It's to discuss the progressive bills, Tammy's bill, to know where we are. Frankly, the Presidential memorandum gave a boost and we are going to take advantage of that and see what we can get. Thank you all.